

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 23 2008

HECTOR MANUEL ECHEVERRIA-  
GRAMAJO,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 08-70587

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

Agency No. A70-815-865

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted July 14, 2008\*\*

Before: SCHROEDER, LEAVY and IKUTA, Circuit Judges.

This is a petition for review from the Board of Immigration Appeals’  
 (“BIA”) order dismissing petitioner’s appeal from the Immigration Judge’s (“IJ”) denial of a motion to reconsider.

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Respondent's motion for summary disposition is granted because the questions raised by this petition for review are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). Because petitioner disavowed the factual basis for the IJ's decision in his appeal brief to the BIA, the BIA did not err in determining that it need not review the IJ's decision. Nor did the BIA did not abuse its discretion in refusing to consider the new arguments raised for the first time on appeal, or in declining to reopen or remand. *See Iturribarria v. INS*, 321 F.3d 889, 894 (9th Cir. 2003). Petitioner failed to present previously unavailable evidence warranting reopening. *See* 8 C.F.R. § 1003.2(c). Accordingly, this petition for review is denied.

All other pending motions are denied as moot. The temporary stay of removal shall continue in effect until issuance of the mandate.

**PETITION FOR REVIEW DENIED.**